



JPW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Ryoji MIZUTANI et al.

Group Art Unit: 3618

Application No.: 10/570,947

Examiner: C. COLLADO

Filed: March 7, 2006

Docket No.: 127245

For: WHEEL SUPPORTING APPARATUS IMPROVING RIDE COMFORT OF VEHICLE

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the June 30, 2008 Election of Species Requirement, Applicants provisionally elect Species IV, Figures 9-11, with traverse.

Claims 8-12 and 15-19 read on elected Species IV.

The above application is a national stage of a PCT application, with no objection regarding lack of unity. National stage applications filed under 35 U.S.C. §371 are subject to unity of invention practice as set forth in PCT Rule 13, and are not subject to U.S. restriction practice without showing of lack of unity. See MPEP §1893.03(d).

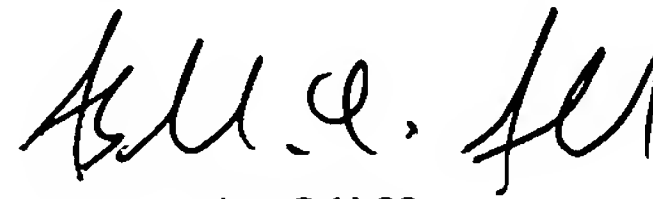
In particular, an international application which complies with the unity of invention requirement laid down in Rule 13 must be accepted by all the designated and elected offices, since Article 27(1) does not allow any national law to require compliance with the requirements relating to the contents of the international application different from or additional to those provided for in the PCT. See PCT Applicant's Guide (Vol. 1-International Phase-Paragraph 138). See also MPEP §1850.

The Examiner fails to show lack of unity. Thus, the Election of Species Requirement is improper.

It is also respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Abdul Q. Basit
Registration No. 61,788

JAO:AQB/hjr

Date: July 30, 2008

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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